

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Sealed Under Court  
Southern District of Texas  
FILED

OCT 22 2020

JUAN ENRIQUEZ,  
Petitioner,

V.

BOBBY LUMPKIN,  
Respondent.

David J. Bradley, Clerk of Court

C. A. NO. 4:20-CV-2895

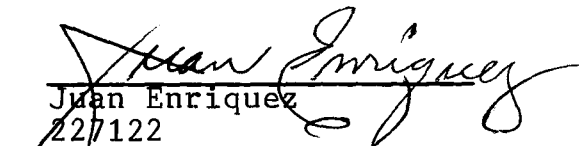
PETITIONER'S NOTICE OF APPEAL  
OF ORDER TO TRANSFER

TO THE HONORABLE JUDGE OF SAID COURT:

Juan Enriquez, Petitioner, herein gives notice that he will appeal to the United States Court of Appeals for the Fifth Circuit from the Order to Transfer entered in this case on August 19, 2020, wherein the Court transferred Petitioner's motion for leave to file a petition for writ of habeas corpus under 28 U.S.C. § 2241, stating incorrectly that "Enriquez was found guilty of murder with malice aforethought and sentenced to life imprisonment", and thus incorrectly applied 28 U.S.C. § 2244(d) to a case where the Petitioner is not held on a state court judgment but on a commuted life sentence issued by the Governor of Texas on August 31, 1972, attached hereto in support of this Notice of Appeal and incorporated as if set forth herein verbatim.

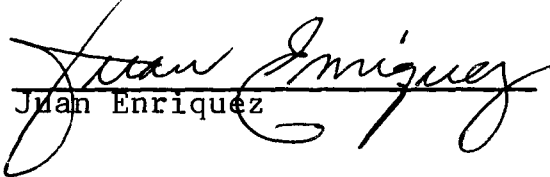
Done on this 15th day of October, 2020.

Respectfully submitted,

  
Juan Enriquez  
227122  
TDCJ-Terrell  
1300 FM 655  
Rosharon, Texas 77583

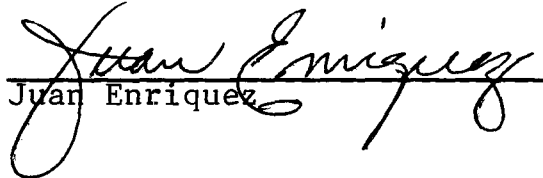
Verification

I, Juan Enriquez, hereby declare under penalty of perjury, that the foregoing statements in the above Notice of Appeals are true and correct and based on personal knowledge. Executed on this the 15th day of October, 2020.

  
Juan Enriquez

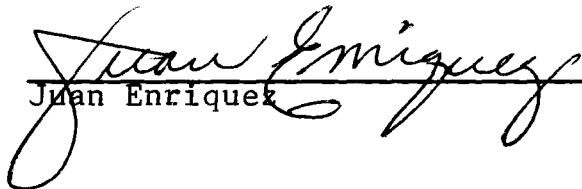
Certificate of Service

I, Juan Enriquez, certify that a correct copy of the foregoing Notice of Appeals was served on October 15, 2020, by placing same in the United States mail, postage prepaid, addressed to Edward Larry Marshall, Assistant Attorney General, P. O. Box 12548, Austin, Texas 78711.

  
Juan Enriquez

Mailbox Rule Filing Verification

I, Juan Enriquez, hereby declare under penalty of perjury, that the foregoing Notice of Appeal was filed on October 15, 2020, by placing same in the Institutional Mail System of the Terrell Unit, first class mail, postage prepaid, addressed to Clerk, United States District Court, Southern District of Texas, P. O. Box 61010, Houston, Texas 77208. Executed on October 15, 2020.

  
Juan Enriquez

NO. 3862

THE STATE OF TEXAS	I	IN THE DISTRICT COURT
VS.	I	81ST JUDICIAL DISTRICT
JUAN RUDY ENRIQUEZ	I	KARNES COUNTY, TEXAS

On this the 3rd day of October, A.D., 1966, this cause was called for trial, and the State appeared by her District Attorney and the Defendant, Juan Rudy Enriquez, appeared in person, in open court, his counsel also being present, and the said Defendant, Juan Rudy Enriquez, having been duly arraigned, and having pleaded not guilty to the indictment herein, both parties announced ready for trial, and thereupon a jury, to-wit: August Ziese and eleven others, was duly selected, impaneled and sworn, who having heard the indictment read and the Defendant's plea of not guilty thereto, and having heard the evidence submitted, and having been duly charged by the court, retired in charge of the proper officer to consider the verdict; and afterward, on the 19th day of October, 1966, the jury was brought into court by the proper officer, the Defendant and his counsel being present, and returned into open court the following verdict which was received by the Court and is here now entered upon the minutes of the Court, to-wit:

"We, the Jury, Find the Defendant, Juan Rudy Enriquez, guilty of the offense of murder with malice aforethought as charged in the indictment, and assess his punishment at death."

/s/ August Ziese  
Foreman

It is therefore considered and adjudged by the court that the Defendant, Juan Rudy Enriquez, is guilty of the offense of murder with malice aforethought as found by the jury, and that he be punished as has been determined by the jury, that is at death, and that he be remanded to jail to await the further order of this Court herein.

Pronounced in open court in the presence of the Defendant and his counsel on the 19th day of October, 1966 and ordered entered of record on the 19th day of October, 1966.

Signed this the 31st day of October, 1966.

John F. May  
John F. May, Judge  
81st Judicial District of Texas.

2100 P  
31st OCT 66  
J. L. Elling

Entered in Vol. 6 Page 165  
Criminal Minutes District  
Karnes County, Texas

EXHIBIT B

## PROCLAMATION

BY THE

Governor of the State of Texas

72-3662

TO ALL TO WHOM THESE PRESENTS SHALL COME

WHEREAS, JUAN RUDY ENRIQUEZ, EXECUTION NO. 483, was convicted of the Crime of Murder with Malice Aforethought, Cause No. 3862, on October 19, 1966, in the 81st Judicial District Court of Karnes County, Texas, and punishment fixed by the jury at DEATH, and

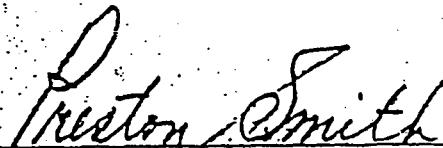
WHEREAS, the Board of Pardons and Paroles of Texas has recommended the Commutation of Sentence from Death to Life Imprisonment in the Texas Department of Corrections,

NOW, THEREFORE, I, PRESTON SMITH, Governor of the State of Texas, by virtue of authority vested in me under the Constitution and laws of this State, and acting upon and because of the recommendation of the Board of Pardons and Paroles dated August 30, 1972, do hereby grant unto the said JUAN RUDY ENRIQUEZ

the COMMUTATION OF SENTENCE FROM DEATH TO LIFE IMPRISONMENT  
IN THE TEXAS DEPARTMENT OF CORRECTIONS,

and I hereby direct that a copy of this proclamation be filed in the office of the Secretary of State.

IN TESTIMONY WHEREOF, I have hereunto signed my name officially and caused the Seal of State to be impressed hereon at Austin, this the 31st Day of August, A.D., 1972.



GOVERNOR OF TEXAS

BY THE GOVERNOR:



SECRETARY OF STATE